

# House File 2159 - Introduced

HOUSE FILE \_\_\_\_\_  
BY WENDT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act limiting the authority of the director of the department  
2 of human services in reviewing decisions in contested cases.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6003HH 82  
5 jr/nh/5

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1 1 Section 1. Section 217.6, Code 2007, is amended to read as  
1 2 follows:  
1 3 217.6 RULES AND REGULATIONS == ADMINISTRATIVE LAW JUDGE  
1 4 DECISIONS.

1 5 ~~1. The director is hereby authorized to may~~ recommend to  
1 6 the council for adoption such rules and regulations as are  
1 7 necessary to carry into practice the programs of the various  
1 8 divisions and to establish such divisions and to assign or  
1 9 reassign duties, powers, and responsibilities within the  
1 10 department, all with the approval of the council on human  
1 11 services, within the department as the director deems  
1 12 necessary and appropriate for the proper administration of the  
1 13 duties, functions, and programs with which the department is  
1 14 charged.

1 15 a. Any action taken, decision made, or administrative rule  
1 16 adopted by any administrator of a division may be reviewed by  
1 17 the director. The director, upon such review, may affirm,  
1 18 modify, or reverse any such action, decision, or rule.

1 19 b. Notwithstanding the provisions of section 17A.15, the  
1 20 director shall not have the authority to review a decision of  
1 21 an administrative law judge. The decision of an  
1 22 administrative law judge shall be considered final agency  
1 23 action for purposes of judicial review.

1 24 2. The director shall organize the department of human  
1 25 services into divisions to carry out in efficient manner the  
1 26 intent of this ~~chapter.~~ chapter. ~~The~~  
1 27 ~~The~~ department of human services may be initially divided  
1 28 into the following divisions of responsibility: the division  
1 29 of child and family services, the division of mental health  
1 30 and disability services, the division of administration, and  
1 31 the division of planning, research, and statistics.

1 32 EXPLANATION  
1 33 The Iowa administrative procedure Act, Code chapter 17A, in  
1 34 part establishes a trial-type process for the adjudication of  
1 35 specific controversies that arise within an administrative  
2 1 agency. Under that process an initial decision is issued by  
2 2 an administrative law judge who has presided over the hearing.  
2 3 That initial decision can be reviewed and reversed by the head  
2 4 of the administrative agency.

2 5 This bill provides that the director of the department of  
2 6 human services has no authority to review the decision of an  
2 7 administrative law judge. The decision of the administrative  
2 8 law judge is then final agency action which can be reviewed by  
2 9 a district court.  
2 10 LSB 6003HH 82  
2 11 jr/nh/5